THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.24537 OF 2006

BETWEEN:

Yelchuri Venkateswarlu son of Ramaiah

..Petitioner

vs.

The Joint Collector, Prakasam District and others

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.24537 OF 2006

ORAL ORDER

The writ petition is essentially and fundamentally misconceived. The petitioner was authorized to be the fair price dealer of Illavara Village, Kondepi Mandal, Prakasam District in 1970. According to him he continued as the fair price shop dealer there after. Earlier the petitioner was the sole fair price shop dealer in the village and in 1991 another dealer was authorized and since then there are two shops. According to the petitioner, on account of ill-health he made a representation to the 3rd respondent along with a medical certificate on 22-07-2004 seeking grant of sick leave for 30 days with effect from the date of application. The 3rd respondent granted medical leave to the petitioner by an order dated.22-07-2004 and directed the other fair price shop dealer in the village to conduct the business of the petitioner's authorized shop also.

After recovery from the illness, on 01-11-2004 the petitioner addressed the 2nd respondent through the 3rd respondent to permit him to rejoin and run the fair prince shop. At that stage the 2nd respondent issued the impugned show-cause notice, that contrary to the orders of the Government in Memo dated.08-06-1988 the petitioner had failed to lift the stocks during the period of his absence and thereby inconvenienced the cardholders and had incurred disqualification to continue and that he should show cause in

person or in writing as to why necessary action to cancel the authorization be not taken. Challenging the show cause notice the writ petition is filed.

The learned counsel for the petitioner admits that there is no provision in the 2001 Control Order enabling grant of leave, ordinary, earned, extraordinary or medical to a fair price shop dealer. The authorization granted to a fair price shop dealer is not in the nature of an employment with all the attendant concomitants of leave or other benefits applicable to public employment. The application for grant of leave by the petitioner and its acceptance by the 2nd respondent are patently incompetent processes, which confer no rights on the petitioner nor a corollary obligation on the respondents. As the petitioner failed to lift the stocks during the period of his absence and thereby perhaps incurred disqualification, the 2nd respondent-competent authority issued the show cause notice. There is nothing intrinsically or inherently incompetent about the show cause notice. It is a mere show cause notice. No case is made out for interdicting it. However, if the petitioner submits his explanation to the show-cause notice, the same shall be considered in accordance with law.

The writ petition is accordingly dismissed. The interim order dated.24-11-2006 stands dissolved. No order as to costs.

GODA RAGHURAM,J

1ST MAY 2007
TSNR/PVSN